

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**BERNARD E. SMITH,**

**Petitioner,**

**v.**

**CIVIL ACTION NO. 1:07cv109**

**WARDEN JOE DRIVER**

**Respondent.**

**ORDER  
GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS**

On August 14, 2007, *pro se* petitioner, Bernard E. Smith, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2241. In addition, the petitioner filed an application for leave to proceed without prepayment of fees together a copy of his prison trust account statement which reveals that as of August 7, 2007, he had an account balance of \$0.22. The petitioner also indicates that has no assets and no source of income.

Accordingly, it is **ORDERED** that the petitioner's application to proceed without prepayment of fees (Dkt. 2) is **GRANTED**.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner.

DATED: August 15, 2007

/s/ James E. Seibert  
**JAMES E. SEIBERT**  
**UNITED STATES MAGISTRATE JUDGE**